FOR MYSORE STATE

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Home (1953) Department.

Passed

MS SERIES.

G.O. NO. 3153

Dated 12.10.53

[Despatch Abstract.]

Courts - Civil - South Kanara dist. - Temporary posts of II Addl Dt. Munsifs Kasaragod and Staff - Abolished - Temporary apptt of Addl Dt. Munsifs at Udupi - Sanctioned

R.O.C.6185/53 D.2

ASSISTANT SECRETARY TO GOVERNMENT HOME DEPARTMENT

From

Sri R.Jayaram Ayyar, M.A.,B.L.,
Registrar, High Court,
Madras.

To

The Secretary to Government,
Home Department, Fort St.George,
Madras. (with enclosure)

Dated, 10th September 1953.

Sir,

Sub:- COURTS - Civil - South Kanara District - Temporary Second Additional District Munsif Kasaragod - Termination at Kasaragod from 11-10-1953 and functioning at Udipi from 19-10-1953 - Recommended.

Ref:- G.O.Ms.No.1314, Home dated 21-4-1953.

I am to forward for orders of Government a copy of letter No. A.60 of 1953 dated 1-9-53 from the District Judge, South Kanara on the subject cited and to state that in the circumstances stated by the District Judge the Honourable the Judges recommend:

1. the abolition of the post of temporary Second Additional District Munsif, Kasaragod and staff with effect from 11-10-1953, the date of commencement of the Michaelmas holidays for the courts in South Kanara District and

2. the appointment of a temporary Additional District Munsif's Court, Udipi (with the usual staff) with effect from 19-10-1953, the date of re-opening of court after the Michaelmas holidays upto and inclusive of 31-12-1953 (the date upto which the present sanction for the Second Additional District Munsif, Kasaragod extends)

REGISTRAR.

Copy to:

1. The District Judge, South Kanara, Mangalore.
2. 'B' Section, High Court, Madras.

RA.

Copy of the letter No. A.60 of 1953 dated 1-9-53 from the District Judge, South Kanara to The Registrar, High Court, Madras.

Sub:- Courts - Civil - South Kanara District - II Additional District Munsif, Kasaragod Termination at Kasaragod and functioning at Udipi with effect from 19-10-1953 - Sanctioning of - Request for.

In the District Munsif's Court at Kasaragod where three District Munsifs are functioning at present, the pendency of original Suits on 29-8-1953 was 313, out of which 143 were over a year old. Though the number of old suits is still high, the number of suits ready for trial is only 147 and the officers experience some difficulty in getting sufficient work each day. Since last April about 159 old suits from villages near Kasaragod or connected by rail with Kasaragod and involving as far as possible Kannada documents were transferred from Hosdrug to Kasaragod for disposal. Recently a convenient building for housing the courts at Hosdrug has been found and the appointment of a third District Munsif to that court is under the consideration of the Government. In these circumstances I do not propose to transfer any more suits from Hosdrug to Kasaragod since it undeniably imposes a great hardship on the litigants. The state of the file in the District Munsif's Court at Kasaragod does not justify the continuance of both the Additional District Munsifs till 31-12-1953, when the term of sanction of those post expires. While it will be necessary for one Additional District Munsif to work till 31-12-1953, mainly to reduce the pendency of old suits, the II Additional District Munsif's term at Kasaragod may, in my opinion, be terminated with effect from the afternoon of 10-10-1953 the last working day before the courts close for the Michaelmas holidays in this district.

2. In the District Munsif's court at Udipi there has recently been a tendency for arrears to mount up. The pendency of original suits on 29-8-1953 was 470 out of which 144 were over a year old. There are sufficient number of suits at least 300, which are ready for trial, Unless steps are

immediately taken to bring down the pendency, the file I am afraid, may become unmanageable. The term of sanction of the II Additional District Munsif, Kasaragod proposed to be terminated on 10-10-1953 extends up to 31-12-1953 and I suggest that this may be taken advantage of to establish an additional Court at Udipi up to 31-12-1953 since no additional financial commitment would be involved. I therefore request that the High Court may be pleased to obtain sanction for the transfer of the Additional District Munsif and his staff on termination at Kasaragod on 10-10-1953 to the District Munsif's Court, Udipi to commence work with effect from 19-10-1953, the date of reopening of the courts after the Michaelmas holidays and function till 31-12-1953. the date of expiry of the term of the post. Of the two Additional District Munsifs, Sri K.Seetharama Rao cannot be sent to Udipi as he belongs to that Munsifi but there does not appear to be any impediment to the posting of Sri K.Laxman Salian as Additional District Munsif, Udipi.

Sd. P.T.Raman Nair,
District Judge.

(True copy)

Sub Assistant Registrar.

A.D.

RA.

Issue in Secty

Home (Courts)

Cemo 1798 & 22 dt 7/(53)

Go. Ms No. 3153 d 12/10/53

Courts - Civil - South Kanara dist. - Tempy. posts of II Addl. Dt. Munsif, Kasaragod & staff - Abolished. Rb - Tempy. appt. of Addl. Dt. Munsif at Udupi - Sanctioned

Read:

(P) Mt 43-44 f.l.y.

Go Ms No 1314, Home d 21.4.53
From the High Court Roc No. 6185/53 D2 d 10.9.53

ORDER:

The Governor of Madras directs that the tempy. posts of the II Addl. Dt. Munsif, Kasaragod and his staff in the South Kanara dist. last sanctioned in para 1(i) of Go. Ms. No 1314, Home, d 21.4.53, be abolished with effect from the 11th October, 1953.

para 1(i) f.l.y.

(P) Mt 3 f.

2. Govt also sanction the appointment of an addl Dt. Munsif with a staff of 3 l.d clerks in the scale of Rs 45-90 each (one with shorthand qualification) and two peons in the scale of Rs 18-25 each

para 1(ii) f.l.y.

to the Dt. Munsif's Court at Udipi with effect from 19.10.53, the date of re-opening of Court after the Michaelmas holidays upto and inclusive the 31st December, 1953

3. The expenditure should be debited to the relevant sub heads under "27 - Administration of Justice - Voted"

4. The following notification will be published in the F.S.G.G.

Notification

Under Section 4 of the Madras Civil Courts Act, 1873 (Central Act III of 1873) as amended by Madras Act III of 1925 the Governor of Madras after consultation with the High Court hereby directs -

(i) that the number of Dt. Munsifs appointed to the Dt. Munsif's Court at Kasaragod in the district of South Kanara shall be two with effect from the 11th October 1953, and

(ii) that the number of Dt. Munsifs to be appointed to the Dt. Munsif's Court at Udipi shall be two with effect from the date on which the Dt. Munsif hereto take

7 B

charge after the re-
opening of Court after
the Michaelmas holidays.

2nd Notification,
22/13/10/53 M G.

-To

The Regr. High Court, Madras
" Dt. Judge, South Kanara
" A.G. Madras thro' the Fin Deptt.
" A.G. Madras by name marked 'Duplicate'
" Controller of Stg & Printing, Madras (para 4 only) for publn of the notifn in the F.S.G.G.

(1 spare Copy)

Notfn. No 1024 2 12-10-53
Page 1583 of Part I F.S.G.G. 28-10-53

Courts - Civil - South Kanara dist Tempy. II Addl. Dt. Munsif Kasaragod - Staff - Abolition of Appointment of a tempy. addl Dt. Munsif to the DMC Udipi Proposals

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From the High Court Roc No. 6185/53-D2 dt. 10.9.53

The High Court has recommended —

(i) the abolition of the post of tempy. II Addl. Dt. Munsif, Kasaragod and his staff with effect from 11-10-53, the date of commencement of the Michaelmas holidays for the courts in South Kanara dist; and

(ii) the appointment of a tempy Addl. Dt. Munsif to the DMC Udipi with the usual staff with effect from 19.10.53, the date of re-opening of court after the Michaelmas holidays upto and inclusive of 31.12.53

2 Item (i) above:- The Dt. Judge, South Kanara has stated that the state of the file on the DMC at Kasaragod does not justify the continuance of both the principal and the second Addl. Dt. Munsif's till 31-12-53, when the term of sanction for the posts will expire the Dt.

Judge however proposes that while it will be necessary for one Addl. Dt. Munsif to work till 31.12.53 mainly to reduce the pendency of old suits, the post of II Addl Dt. Munsif at Kasaragod may be terminated with the effect from the 10th Oct 53. A/V The High Court has recommended this the recommendation may be agreed to

Item (ii) on p1 above :- The state of work in the DMC at Udipi is as below :-

	ORIGINAL SUITS			SMALL CAUSE SUITS		
YEAR	Ins	Dis	Pen.	Ins.	Dis	Pen
1950	527	528	394 (127)	526	55)	83 (23)
1951	591	601	371 (96)	657	650	92 (23)
1952	585	585	360 (124)	608	636	64 (3)
1953 (upto 29.8.53)			470 (144) over a year old			

The Dt. Judge has stated that unless steps are taken immediately to bring down the pendency, the file may become unmanageable. In view of the abolition of the II Addl Dt. Munsif's Court proposed the Dt. Judge says that this may be taken advantage of to establish an addl. Court at Udipi upto 31.12.53 since no addl. financial commitment would be involved. The High Court has recommended this proposal. This recommendation may be agreed to.

Jud (17:822/53)

Subject to orders a draft order is sub for approval. Fin may see for acceptance before circulation

dt 23 Sep 53

ASSISTANT SECRETARY HOME DEPARTMENT

Home/798 22cl/53-1
23-9-53.

18961

ADDITIONAL DEPUTY SECRETARY TO GOVT 7650 23 Sept. FINANCE DEPARTMENT

Fin. o/s 7 Govt
8.x.53.

Fin (Fi)

Please see the notes from p. 1 above. The draft order below may be accepted

dt 21.9.53 RM 21.9.53

dt 23 Sep 53

9.x.53.

11/10/53 Home

Home (Ct I)

The draft order below which provides for (i) the abolition of the post of II Addl. Dt. Munsif, Kasaragod and staff with effect from 11.10.53 and (ii) the appointment of an addl Dt. Munsif to the DMC at Udipi with effect from 19.10.53 upto 31.12.53 is in accordance with the recommendation of the High Court and has been accepted by Finance. It may now issue.

Please issue

dt 12 Oct 53

dt 10/10/53 RM 12/10/53

Fin o/s 7 above

M (Law)

(Issued as GO Ms No 3153, Home dt 12.10.53)